

**SUPREME COURT CALENDAR  
SAN FRANCISCO SESSION  
JANUARY 7 and 8, 2003**

The following cases are placed upon the calendar of the Supreme Court for hearing at its courtroom at 350 McAllister Street, Fourth Floor, San Francisco, California, on January 7 and 8, 2003.

**TUESDAY, JANUARY 7, 2003—9:00 A.M.**

- |     |         |                               |
|-----|---------|-------------------------------|
| (1) | S091297 | Greenfield v. Fritz Companies |
| (2) | S095872 | People v. Barnum              |
| (3) | S102162 | People v. Gutierrez           |

**1:30 P.M.**

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|-----|---------|--|
| (4) | S102729 | In re Marquez on Habeas Corpus                   |
| (5) | S103581 | In re Martinez on Habeas Corpus                  |
| (6) | S046117 | People v. Ernest Jones <i>[Automatic Appeal]</i> |

**WEDNESDAY, JANUARY 8, 2003—9:00 A.M.**

- |     |         |   |
|-----|---------|---|
| (7) | S099339 | Bonanno v. Central Contra Costa Transit           |
| (8) | S018033 | People v. Prentice Snow <i>[Automatic Appeal]</i> |

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GEORGE  
Chief Justice

If exhibits are to be transmitted to this court, counsel must comply with Rule 18(c), California Rules of Court.

**SUPREME COURT CALENDAR  
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The following case summaries are issued to inform the public and the press of cases that the Supreme Court has scheduled for oral argument and of their general subject matter. Generally, the descriptions set out below are reproduced from the original news release issued when review in each of these matters was granted and are provided for the convenience of the public and the press. The descriptions do not necessarily reflect the view of the court or define the specific issues that will be addressed by the court.

**TUESDAY, JANUARY 7, 2003—9:00 A.M.**

***(1) Greenfield v. Fritz Companies, S091297***

#00-149 Greenfield v. Fritz Companies, S091297. (A086982; 82 Cal.App.4th 741.) Petition for review after the Court of Appeal affirmed in part and reversed in part the judgment in a civil action. This case includes the following issue: Can a shareholder state a cause of action against a corporation for common law fraud and misrepresentation based upon a claim that the alleged misrepresentations caused the shareholder not to sell his or her stock?

***(2) People v. Barnum, S095872***

#01-38 People v. Barnum, S095872. (C031302; 86 Cal.App.4th 731.) Petition for review after the Court of Appeal affirmed a judgment of conviction of criminal offenses. The court limited review to the following issue: Must a trial court advise a defendant, who is representing himself or herself in a criminal proceeding, of the privilege against self-incrimination before permitting the defendant to testify at trial, and, if so, what is the proper standard of prejudice when the trial court fails to give such advice?

***(3) People v. Gutierrez, S102162***

#02-01 People v. Gutierrez, S102162. (B145089; unpublished opinion.) Petition for review after the Court of Appeal reversed a judgment of conviction of criminal

offenses. This case presents the following issues: (1) Was defendant “voluntarily absent” from his trial within the meaning of Penal Code section 1043(b)(2), permitting the court to conduct the trial without him, when he refused to be brought into the courtroom from the courthouse lockup after trial had commenced? (2) Under these circumstances, was the trial court obligated to take a personal waiver from the defendant of his right to be present at trial?

**1:30 P.M.**

***(4) In re Marquez on Habeas Corpus, S102729***

#02-09 In re Marquez on Habeas Corpus, S102729. (H022214; unpublished opinion.) Petition for review after the Court of Appeal denied a petition for writ of habeas corpus. This case presents the following issue: Given the circumstances of petitioner’s incarceration as a result of the overlapping criminal charges involved in this case, is petitioner entitled to additional presentence credits? (See *In re Joyner* (1989) 48 Cal.3d 487.)

***(5) In re Martinez on Habeas Corpus, S103581***

#02-30 In re Martinez on Habeas Corpus, S103581. (B150882; 94 Cal.App.4th 191.) Petition for review after the Court of Appeal granted a petition for writ of habeas corpus. This case presents the following issue: When a defendant’s initial conviction is reversed on appeal and the defendant is reconvicted after a new trial, is the defendant entitled to presentence credits under Penal Code section 4019 for the time he or she spent in prison serving his or her original sentence before the initial conviction was reversed?

***(6) People v. Ernest Jones, S046117 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.

**WEDNESDAY, JANUARY 8, 2003—9:00 A.M.**

***(7) Bonanno v. Central Contra Costa Transit, S099339***

#01-116 Bonanno v. Central Contra Costa Transit, S099339. (A087846, A088589; 89 Cal.App.4th 1398.) Petition for review after the Court of Appeal affirmed the judgment in a civil action. The court limited review to the following issue: Can the location of a bus stop constitute a “dangerous condition” of public property within the meaning of Government Code section 850 when the alleged danger relates to a crosswalk that bus patrons may be encouraged to use to reach the bus stop?

***(8) People v. Prentice Snow, S018033 [Automatic Appeal]***

This matter is an automatic appeal from a judgment of death.